

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS
For Publication in Title 24, California Code of Regulations

Instructions

1. Use of this form is optional. Its use will help the California Building Standards Commission (CBSC) and other state proposing agencies to correctly administer your comments.
2. For matters to be considered by a CBSC Code Advisory Committee (CAC), written comments should be received in the CBSC office 7 days before the scheduled CAC meeting to help ensure CAC consideration.
3. For matters subject to a 45-day or 15-day Public Comment period announced by a Notice of Proposed Action (NOPA), written comments must be received on or before the close of the comment period identified in the NOPA available at CBSC website <http://www.bsc.ca.gov/>. Written and oral comments may be provided at the CBSC public meeting to consider the proposed building standards.
4. Separate comment submittals are necessary for CAC and Public Comment periods. Separate comment forms are necessary for each state agency proposal.
5. This form is available in Fill-and-Print format at CBSC website <http://www.bsc.ca.gov/>. Otherwise print the form, type or complete by hand and attach additional sheets if necessary.
6. Submit comments to the CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by Email at cbcs@dgs.ca.gov. Please do not FAX comments.
7. For assistance, call the CBSC at (916) 263-0916, or Email CBSC at cbcs@dgs.ca.gov.

Commenter Identification and Contact Information

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Proposed Building Standard Identification

Title 24 Part No. (circle one) 1 2 2.5 3 4 **5** 6 8 9 10 11 12 Section No. **Chapters 2 & 15**

Proposing State Agency California Building Standards Commission

The proposed building standards is: ☐ Before a CAC ☒ In a 45-day Comment Period
(check one) ☐ In a 15-day Comment Period.

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the reverse side is: (check one)

☐ Approve ☐ Disapprove ☐ Further Study Required ☒ Approve as Amended

Comment/Suggestion on Title 24 Proposed Building Standard:

See attached document for suggested amendments and reasons for recommending an "Approve as Amended" position on BSC 02/16 regulations which amend the California Plumbing Code (Part 5, Title 24) and implement AB 2282, in coordination with HCD and DWR (based on Criteria 1, 2, 3, and 6).

Identification of Attachments

☒ Check if you have attached additional pages.

The number of pages attached:

1

For CBSC Office Use Only: Date Received:

Rulemaking Item #

Health and Safety Code Section 18930(a) reads:

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

April 28, 2017

The California Building Standards Commission (CBSC) is commenting on its own rulemaking package BSC 02/16 during the 45-day public comment period (March 17, 2017 – May 1, 2017). This document contains portions of the 45-day Express Terms with “Approve as Amended” recommended language and rationale for the recommended changes.

LEGEND:

1. 45-Day language will appear in underlined and ~~strikeout~~.
2. Proposed amended or repealed language will appear in *italics and double underline* and ~~double strikeout~~.
3. Rationale: The justification for the change is shown after each section or series of related changes.

COMMENT 1 – CHAPTER 2 DEFINITIONS (ET/ISOR Item #6)

Suggested revisions to the definition:

Recycled Water Supply System. [BSC-CG] The building supply pipe, the water distribution pipes, and the necessary connecting pipes, fittings, control valves, backflow prevention devices, and all appurtenances carrying or supplying reclaimed (recycled) water in or adjacent to the building or within the premises.

Rationale: Suggest adding the words “or adjacent to” to align with similar amendments coordinated with the Department of Housing and Community Development (HCD) and the Department of Water Resources (DWR). This suggested amendment is editorial and there would be no intended change in regulatory effect (based on Criteria 1, 2, 3, and 6).

COMMENT 2 – SECTION 1501.2 SYSTEM DESIGN (ET/ISOR Item #8)

Suggested revisions to this section:

1501.2 System Design. ~~Alternate water source systems shall be designed in accordance with this chapter by a registered design professional or who demonstrates competency to design the alternate water source system as required by the Authority Having Jurisdiction. Components, piping, and fittings used in any alternate water source system shall be listed. **[BSC-CG]** Alternate water source systems complying with this chapter shall be designed by a person who demonstrates competency to design the alternate water source system as required by the Enforcing Agency. The Enforcing Agency may also require plans and specifications to be prepared by a licensed design professional for Complex Systems. Components, piping, and fittings used in any alternate water source system shall be listed.~~

Alternate water source systems shall be designed in accordance with this chapter by a registered design professional or who demonstrates competency to design the alternate water source system as required by the authority Having Jurisdiction. Components, piping, and fittings used in an alternate water source system shall be listed.

Irrigation design plans shall meet the requirements of the California Code of Regulations, Title 23, Division 2, Chapter 2.7, Model Water Efficient Landscape Ordinance.

Rationale: CBSC’s 45-day express terms proposes to co-adopt a reinstated HCD amendment inadvertently omitted from the 2016 California Plumbing Code, and to further modify the language by providing a reference to the California Code of Regulations, Title 23, Model Water Efficient Landscape Ordinance (MWELO). MWELO addresses irrigation design plans, which is currently not addressed by Section 1501.2. CBSC suggests withdrawing its 45-day proposed language and instead suggest adopting the model code language. CBSC coordinated with HCD and DWR and concurs that the model code provides the same measures as CBSC’s 45-day proposal. This suggested change will provide clarity and consistency to the code user with no intended change in regulatory effect (based on Criteria 1, 2, 3, and 6).

COMMENT 3 – SECTION 1501.6 OPERATION AND MAINTENANCE MANUAL (ET/ISOR Item #8)

Suggested revisions to this section:

1501.6 Operation and Maintenance Manual. **[BSC-CG]** An operation and maintenance manual for gray water, and on-site treated *nonpotable* water, and *recycled water supply* systems required to have a permit in accordance with Sections 1501.3, 1503.2 and 1504.2 shall be supplied to the building owner by the system designer or installer. The operating and maintenance manual shall include the following:

- (1) *Diagram(s)* of the entire system and the location of system components.
- (2) Instructions on operating and maintaining the system.
- (3) *Instructions* on maintaining the required water quality for *on-site treated nonpotable water systems*.
- (4) Details on *startup, shutdown, and* deactivating the system for maintenance, repair, or other purposes.
- (5) Applicable testing, inspection, and maintenance frequencies in accordance with *Section 1501.5 or Section 1503.15 as applicable*.
- (6) A method of contacting the *installer and/or* manufacturer(s).
- (7) *Directions to the owner or occupant that the manual shall remain with the building throughout the life cycle of the structure.*

Rationale: Following coordination with DWR, CBSC suggests removing “or Section 1503.15 as applicable” because CBSC is not proposing to amend Section 1503, to which DWR is proposing amendments this cycle (based on Criteria 1, 2, 3, and 6).

COMMENT 4 – SECTION 1501.11.2.2 CROSS-CONNECTION TEST (ET/ISOR Item #8)

Suggested revisions to this section:

1501.11.2.2 Cross-Connection Test. The procedure for determining cross-connection shall be followed by the applicant A cross-connection test shall be performed in the presence of the Authority Having Jurisdiction and or other authorities having jurisdiction to determine whether a cross connection has occurred as follows:

- (1) The potable water system shall be activated and pressurized. The alternate water source system shall be shut down, depressurized, and drained.
- (2) The potable water system shall
- (3)
- (4)
- (5) The alternate water source system shall then be activated and pressurized. When an alternate water source is not available for the initial test, a temporary connection to a potable water supply will shall be required. At the conclusion of the test, the temporary connection to the potable water supply shall be disconnected.
- (6)

Rationale: CBSC suggests replacing the word “will” with “shall,” an editorial correction in coordination with HCD and DWR that will result in no intended change in regulatory effect (based on Criteria 1, 2, 3, and 6).

COMMENT 5 – SECTION 1502.3 CONNECTIONS TO POTABLE (RECLAIMED) RECYCLED WATER SYSTEMS (ET/ISOR Item #8)

Suggested revisions to this section:

1502.3 Connections to Potable and Reclaimed (Recycled) Water Systems. Gray water systems shall have no direct unprotected connection to a potable water supply, on-site treated nonpotable gray water supply, or reclaimed (recycled) water supply systems.

Rationale: Following coordination with HCD and DWR, CBSC suggests removing the word “gray” because this section is addressing connections to on-site treated nonpotable water, which is not inclusive of graywater (see definition of “on-site treated nonpotable water”). Additionally, CBSC suggests striking the word “reclaimed,” as well as the parentheses, to ensure consistency with the proposed and defined term “Recycled Water Supply System.” These suggested editorial changes will result in no intended change in regulatory effect (based on Criteria 1, 2, 3, and 6).